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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,858	03/12/2001	Masaharu Onda	040679/1224	7809

22428 7590 02/02/2004

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EXAMINER

FORD, JOHN K

ART UNIT PAPER NUMBER

3753

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802858

Applicant(s)

Onda et al.

Examiner

FORD

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-16-03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2 is/are pending in the application.
- 4a) Of the above claim(s) 4, 10, 15, and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-14, 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 and 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Applicants' election, without traverse, of the species of Figures 1, 2A and 2B, claims 1-3, 5-9, 11-14 and 16-20, is acknowledged.

Applicants also filed, on the same day, an IDS including six references assigned to Calsonic, issued by Examiner Ciric, none of them prior art to this case once applicants' 119 priority is perfected. The Examiner notes that other references assigned to Calsonic such as JP 9-309319 (Fig 5), JP 10-58939 and JP 10-244821, discovered during the Examiner's search process are in the Examiner's estimation, far more relevant to what is claimed. Mr. Onda, an inventor here, is also an inventor on JP 9-309319. Please contact the inventors and Calsonic and inquire if other prior art exists to relevant the claimed subject matter. As counsel is well aware, the examination process is very time constrained and wasted effort in tracking down prior art that the inventors and assignee could have provided prior to the Examiner's search, would have resulted in more productive use of the Examiner's limited search time.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-9, 11-14 and 16-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Onda (JP 9-309319).

See Figures 1 and 5, in particular. Since this reference appears to be the inventive work of one of the applicants here it is not explained in detail except to note that an unillustrated blower is connected at blower air inlet 4 and when it is connected to the casing 1 it is disposed within the casing because the fan scroll of the unillustrated blower is deemed to be part of the claimed casing.

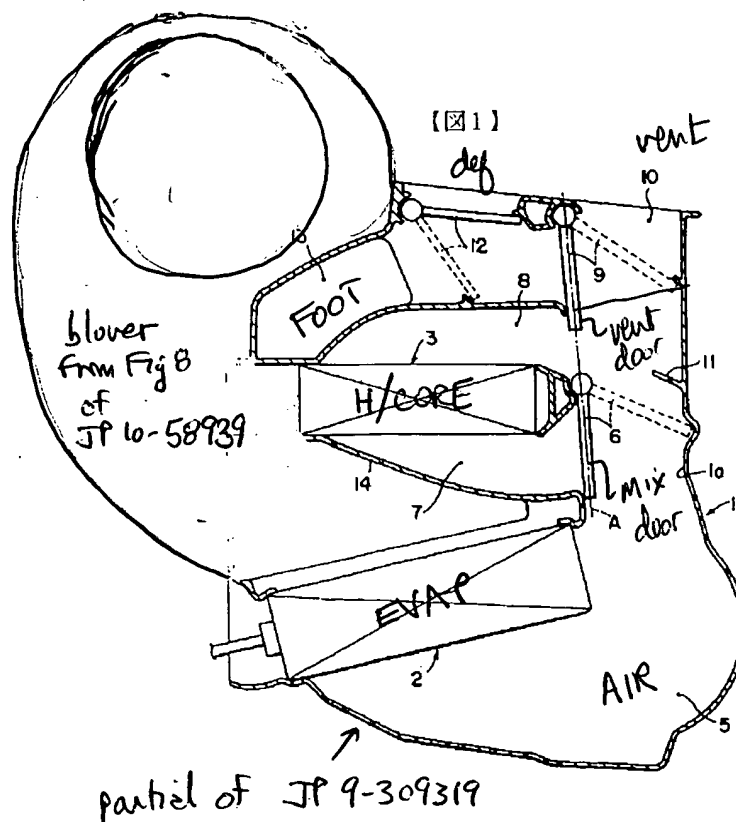
The connection of the blower to casing which is not illustrated is well known and official notice is taken of it. In the event applicants traverse the subject of official notice, the Examiner offers JP 9-123748 as evidence. JP '748 otherwise forms no part of this rejection.

Claims 1-3, 5-9, 11 – 14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Onda (JP 9-309319) and Taihichi (JP 10-58939).

Onda in Figures 1 and 5 shows the claimed subject matter with the exception of a down-flow blower.

JP 10-58939 teaches a downflow blower in Figure 8. To have used the down-flow blower of JP '939 in Onda to advantageously avoid a side mounted blower to "miniaturize" (see Abstract of JP '939) the resulting structure would have been obvious to one of ordinary skill in the art.

The modification is illustrated below:



The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

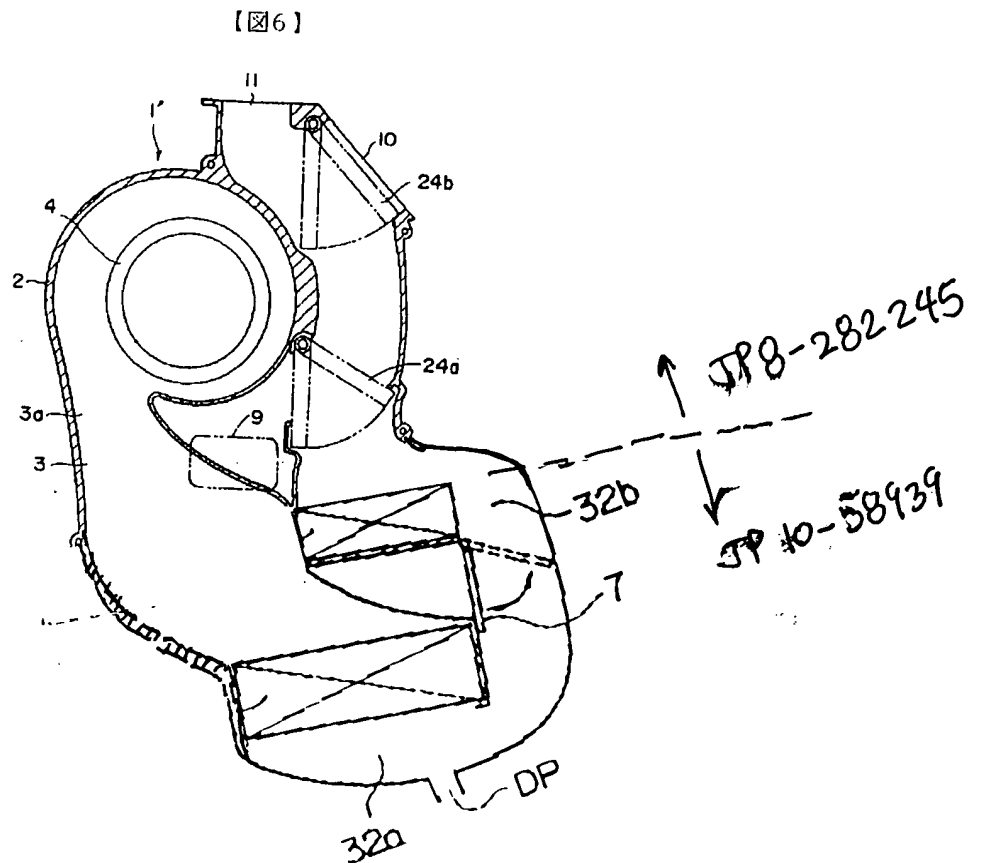
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-9, 11-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 10-58939 and JP 8-282245.

Figures 8-12 of JP '939 bear a striking resemblance to what is disclosed in this application, with the exception that the foot outlet is formed on the front part of the casing rather than closer to the blower.

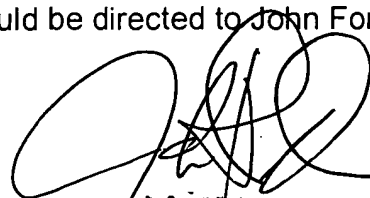
JP'245 teaches forming the foot discharge 9 at the position claimed by applicants.

To have combined the respective teachings of JP '939 and JP'245 to obtain the structure shown on the next page would have been obvious to one of ordinary skill in the art to obtain a more compact structure.



The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.


John K. Ford
Primary Examiner